

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE

IN THE MATTER OF THE ABANDONMENT OF THE)
AUTHORITY TO CONDUCT INTEREXCHANGE)
INTRASTATE PAYPHONE SERVICES WITHIN THE) PSC DOCKET NO. 12-445
STATE OF DELAWARE BY ONYX)
COMMUNICATIONS, INC.)
(FILED SEPTEMBER 18, 2012))

**PUBLIC NOTICE OF COMMISSION’S INTENT TO
REVOKE CERTIFICATE OF PUBLIC CONVENIENCE
AND NECESSITY OF ONYX COMMUNICATIONS, INC.**

TO: ONYX COMMUNICATIONS, INC.

ONYX Communications, Inc. (“ONYX” or the “Company”) holds a Certificate of Public Convenience and Necessity (“CPCN”) to conduct interexchange intrastate payphone services within the State of Delaware.

On or about September 17, 2012, the Public Service Commission (“Commission”) sent ONYX a letter via first-class mail, postage prepaid, to the Company’s address as set forth in the records of the Commission. As of April 29, 2013, ONYX has not responded to the letter.

Under the Regulations of the Commission, ONYX was required to notify the Commission in writing within ten days following the change of the business address of the Company. *See 26 Del. Admin. C. §4002-2.6.* In addition, Delaware law states that no public utility may abandon or discontinue, in whole or in part, any business, operations, or services provided under a CPCN or otherwise, which are subject to the jurisdiction of the Commission without first having received Commission approval for such abandonment or discontinuance. *See 26 Del. C. §203A(c)(1).* Furthermore, under the Regulations of the Commission, ONYX must provide written notice to the Commission at least ten days prior to the cession of all operations as a payphone provider in the State of Delaware. *See 26 Del. Admin. C. §4002-2.7.*

ONYX either has failed to provide the Commission with written notice of its changed business address as required by the Regulations of the Commission or has ceased all business, operations, or services as a payphone provider within the State of Delaware without first providing written notice to the Commission and receiving approval for such abandonment as required by Delaware law and the Regulations of the Commission. Because ONYX has violated the terms of its CPCN in that it has failed to comply with the provisions of the Commission’s Regulations and/or Delaware law, the Commission intends to revoke the Company’s CPCN if the Company does not provide the Commission with its current business address ***on or before May 13, 2013.***

The Commission will consider whether to revoke ONYX’s CPCN at the June 4, 2013 Commission meeting starting at 1:00 p.m. The meeting will be held in the Commission’s office

located at 861 Silver Lake Boulevard, Cannon Building, Suite 100, Dover, Delaware 19904. The Commission will render a decision based upon the evidence presented to it at this meeting.